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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 KEVIN LAY, SR.,
12 Defendant.

2:19-CR-206-KJD-VCF
Preliminary Order of Forfeiture

13 This Court finds Kevin Lay, Sr., pled guilty to Count One of a One-Count Criminal
14 Indictment charging him with felon in possession of a firearm in violation of 18 U.S.C. §
15 922(g)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 34; Plea Agreement,
16 ECF No. 35.

17 This Court finds Kevin Lay, Sr., agreed to the forfeiture of the property set forth in
18 the Plea Agreement. Change of Plea, ECF No. 34; Plea Agreement, ECF No. 35.

19 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States
20 of America has shown the requisite nexus between property set forth in the Plea Agreement
21 and the offense to which Kevin Lay, Sr., pled guilty.

22 The following property is any firearm or ammunition involved in or used in any
23 knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C.
24 § 924(d)(1) with 28 U.S.C. § 2461(c):

25 1. Glock 22 .40 caliber handgun bearing serial number SFL128;
26 2. Glock 23 .40 caliber handgun bearing serial number SXE317;
27 3. a box of 29 .40 caliber rounds of ammunition;
28 4. a loaded PT111 magazine; and

1 5. any and all ammunition

2 (all of which constitutes property).

3 This Court finds that the United States of America may amend this order at any time
4 to add subsequently located property or substitute property to the forfeiture order pursuant
5 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

6 This Court finds the United States of America is now entitled to, and should, reduce
7 the aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
9 DECREED that the United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
11 rights, ownership rights, and all rights, titles, and interests of Kevin Lay, Sr., in the
12 aforementioned property are forfeited and are vested in the United States of America and
13 shall be safely held by the United States of America until further order of the Court.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
15 of America shall publish for at least thirty (30) consecutive days on the official internet
16 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
17 describe the forfeited property, state the time under the applicable statute when a petition
18 contesting the forfeiture must be filed, and state the name and contact information for the
19 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
20 and 21 U.S.C. § 853(n)(2).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
22 or entity who claims an interest in the aforementioned property must file a petition for a
23 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
24 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
25 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
26 right, title, or interest in the forfeited property and any additional facts supporting the
27 petitioner's petition and the relief sought.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
2 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
3 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
4 not sent, no later than sixty (60) days after the first day of the publication on the official
5 internet government forfeiture site, www.forfeiture.gov.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
7 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
8 Attorney's Office at the following address at the time of filing:

9 Daniel D. Hollingsworth
10 Assistant United States Attorney
James A. Blum
11 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
14 described herein need not be published in the event a Declaration of Forfeiture is issued by
15 the appropriate agency following publication of notice of seizure and intent to
16 administratively forfeit the above-described property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
18 copies of this Order to all counsel of record.

19 DATED June 24, 2020.

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22 HONORABLE KENT J. DAWSON
23 UNITED STATES DISTRICT JUDGE